

**RESTRICTIVE COVENANT  
630 LANG MILIAN ( SKATING RINK) ALLEY**

**WHEREAS**, Old Town Key West Development, Ltd., a Florida Limited Partnership, hereinafter "OWNER", is the owner of real property situated at 630 Lang Milian Alley, also known as "Skating Rink Alley", Key West, Florida 33040, legally described as follows:

**KW PT LOTS 1 & 2 SQR 62 G10-140 OR217-493/4 OR292-240/1, Key West, Monroe County, Florida, RE#00012510-000000; and**

**WHEREAS**, the City of Key West, hereinafter "CITY" distributes building permits for housing units which are allocated to the CITY by the State of Florida; and

**WHEREAS**, the CITY administers the CITY'S affordable housing program; and

**WHEREAS**, pursuant to PERMIT #03-00004225 granted by the CITY to OWNER January 15, 2004, the OWNER is to enlarge existing gazebo 350 Sq Ft to create affordable housing as per HARC APPROVAL #03-09-26-2371 ; and

**WHEREAS**, as a condition precedent to the CITY issuing Certificates of Occupancy for the Project, the OWNER must record this Restrictive Covenant identifying the affordable unit and designating same as "affordable" for 25 years; and

**WHEREAS**, CITY and OWNER have agreed to the application of the Section 122-1466's definition of the herein designated unit as an "affordable" unit;

**NOW, THEREFORE**, the OWNER agrees to the following:

1. The   X   AFFORDABLE  
       AFFORDABLE, LOW INCOME

residential units for the Project are designated as **630 Lang Milian ( Skating Rink) Alley Key West, Florida.**

2. This designation shall result in the designation unit being restricted in its rental and sale prices, as well as by the income limitations on tenants and ownership, by the restrictions in the CITY'S Ordinance as it is currently written and as it may be amended or codified from time to time.
3. The execution and filing of this document in the public records in Monroe County creates no rights in the OWNER to the permits and units herein described. All other codes, ordinances, and regulations of the CITY must be adhered to within the required time frames to obtain a Certificate of Occupancy for the above units(s).

*This INSTRUMENT PREPARED BY: GERARD R. Mosher, 261 FRONT ST, SUITE 310  
KEY WEST, FL 33040*

The above restrictions shall constitute a restrictive covenant, which shall run with the land and remain in full force and effect for a period of 25 years from the date of this Restrictive Covenant unless rescinded by the CITY or renewed by the OWNER. In the event of a violation or breach of these restrictions, the CITY and/or any person aggrieved by a violation or breach shall have the right to proceed at law or in equity to compel compliance with the terms hereof or to prevent the violation or breach of any of them. The failure to enforce any right, reservation, restriction or condition contained herein, however long continued, shall not be deemed a waiver of the right to do so thereafter as to the same breach.

Made and executed on the 11 day of May, 2004.

Maribou Coggins  
Witness

Gerald R. Mosher  
Signature of Owner  
Old Town Key West Development, Ltd. by  
**Gerald R. Mosher**, Authorized General Partner

Joyce A Unke  
Witness

The foregoing instrument was acknowledge before me this 11 day of May 2004 by **Gerald Mosher, as General Partner of Old Town Key West Development, Ltd.**, who is personally known to me.

(Notary Seal)

Joyce A Unke  
Notary Print Name  
Notary Commission Expires: \_\_\_\_\_



MONROE COUNTY  
OFFICIAL RECORDS